



Early Journal Content on JSTOR, Free to Anyone in the World

This article is one of nearly 500,000 scholarly works digitized and made freely available to everyone in the world by JSTOR.

Known as the Early Journal Content, this set of works include research articles, news, letters, and other writings published in more than 200 of the oldest leading academic journals. The works date from the mid-seventeenth to the early twentieth centuries.

We encourage people to read and share the Early Journal Content openly and to tell others that this resource exists. People may post this content online or redistribute in any way for non-commercial purposes.

Read more about Early Journal Content at <http://about.jstor.org/participate-jstor/individuals/early-journal-content>.

JSTOR is a digital library of academic journals, books, and primary source objects. JSTOR helps people discover, use, and build upon a wide range of content through a powerful research and teaching platform, and preserves this content for future generations. JSTOR is part of ITHAKA, a not-for-profit organization that also includes Ithaka S+R and Portico. For more information about JSTOR, please contact support@jstor.org.

v. W. U. Tel. Co., 53 O. St. 431. Indiana and Virginia have recently taken this majority view. *W. U. Tel. Co. v. Ferguson*, 157 Ind. 64; *Connelly v. W. U. Tel. Co.*, 40 S. E. 618.

JOINT TORT FEASORS—RELEASE OF ONE RELEASES ALL.—*ABB V. NORTHERN PAC. RY. CO.*, 68 PAC. 954 (WASH.).—Injuries were occasioned by the joint carelessness of the Grant Street Electric Co. and defendant. Plaintiff upon consideration of partial satisfaction released the street electric company from all damages, but expressly reserved the right to hold the defendant. *Held*, an absolute release of the one released the other also.

The weight of authority supports the doctrine that when the full amount of damages is ascertainable by direct positive proof, an absolute release of one, on consideration of partial satisfaction, is not a bar. *Cooley on Torts*, 139; *Ellis v. Essan*, 6 N. W. 518 (Wis.); *Sloan v. Herrick*, 49 Vt. 327. There are conflicting decisions where the damages rest mainly upon the opinion of a jury. The present case is supported by *Ellis v. Bitzer*, 2 Ohio 89; *Gunther v. Lee*, 45 Md. 60. A contrary view, however, is taken in *Matthew v. Chicopee Mfg. Co.*, 3 Robt. (N. Y.) 713. An agreement to discontinue a suit against one, in the absence of full satisfaction, was held to operate as a bar to further action in *Mitchell v. Allen*, 25 Hun 543, and *Ayer v. Ashmead*, 31 Conn. 447; but it was not so held in *Lovejoy v. Murray*, 3 Wall. (U. S.) 1, and *Chamberlin v. Murphy*, 41 Vt. 110. A distinction was made between a technical release, and one merely by implication, in *Bloss v. Plymale*, 3 W. Va. 393, where a receipt in full given to one tort-feasor did not release the others.

WILLS—PROBATE—TESTAMENTARY CAPACITY—EXPERT WITNESSES—INSTRUCTIONS.—*IN RE BLAKE'S ESTATE*, 68 PAC. 827 (CAL.).—The lower court had instructed the jury that the opinions of experts, although competent as evidence, were frequently unsatisfactory and unreliable, and that such opinions were not entitled to as much weight as facts. *Held*, that the instruction was erroneous as matter of law.

By the principle that the credibility of witnesses is exclusively within the province of the jury, the court must not disparage expert testimony. *Louisville, etc., R. Co. v. Whitehead*, 71 Miss. 451; *White v. Fox*, 1 Bibb (Ky.) 371. But the court may instruct that expert evidence of opinion should be received with caution. *Rogers' Expert Test.* 451; *Maye v. Herndon*, 30 Miss. 118; *Grigsby v. Waterworks Co.*, 40 Cal. 396. And the instruction of the lower court seems to have gone no further than the cautionary instruction in *Benedict v. Flanigan*, 18 S. C. 506: "All testimony founded upon opinion merely is weak and uncertain and should in every case be weighed with great caution."